

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Gerardo HERNANDEZ-Moreno aka Joemar Lebron  
RIVERA

Case No.

2:19-mj-465

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 12, 2019 in the county of Franklin in the  
Southern District of Ohio, the defendant(s) violated:

Code Section

8 U.S.C. 1326(a) & (b)(1)

Offense Description

Illegal re-entry of a removed alien subsequent to a felony conviction

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

  
Complainant's signature

Ronnie Winters, DO-ICE  
Printed name and title

Sworn to before me and signed in my presence.

Date: 06/12/2019

City and state: Columbus, OH

  
Judge's signature  
  
Elizabeth A. Preston Deavers, U.S. Magistrate Judge  
Printed name and title

AFFIDAVIT OF  
RONNIE A. WINTERS  
DEPORTATION OFFICER  
IMMIGRATION AND CUSTOMS ENFORCEMENT

I, Ronnie A. Winters, being first duly sworn, depose and state as follows:

1. I am a Deportation Officer with eleven years of experience with United States Immigration and Customs Enforcement (ICE). I am assigned to the Columbus, Ohio Office of Enforcement and Removals Operations (ERO). I have investigated both criminal and administrative matters involving aliens in the United States. I have successfully completed the Immigration Enforcement Agent course at the Federal Law Enforcement Training Center (FLETC) at Glynco, GA.
2. During the course of investigating Gerardo HERNANDEZ-Moreno aka Joemar Lebron RIVERA, I have learned the following facts:
3. Gerardo HERNANDEZ-Moreno aka Joemar Lebron RIVERA is a citizen of Mexico with no legal status in the United States.
4. On or about January 31, 2013, in the Southern District of Texas, HERNANDEZ-Moreno aka Joemar Lebron RIVERA was indicted for False Representation to be Citizen of United States in violation of 18 U.S.C. § 911 and False Statement to Federal Agency and Agent in violation of 18 U.S.C. § 1001. On or about June 26, 2013, HERNANDEZ-Moreno aka Joemar Lebron RIVERA was convicted of False Representation to be Citizen of United States in violation of 18 U.S.C. § 911 a felony.
5. On or about February 01, 2013, an Immigration Official ordered that Gerardo HERNANDEZ-Moreno aka Joemar Lebron RIVERA be removed to Mexico with a Form I-860 (Notice and Order of Expedited Removal). On or about November 29, 2013, Gerardo HERNANDEZ-Moreno aka Joemar Lebron RIVERA was physically removed from the United States via Del Rio, Texas. On that day, HERNANDEZ-Moreno aka Joemar Lebron RIVERA surrendered his fingerprint and photo for Department of Homeland Security Form I-296 (Notice to Alien Ordered Remove/Departure Verification) and signed the same form. Gerardo HERNANDEZ-Moreno aka Joemar Lebron RIVERA's departure was witnessed by an Immigration Officer, who documented the departure by the way of his signature on Form I-296.
6. On or about March 31, 2016, United States Border Patrol agents encountered Gerardo HERNANDEZ-Moreno aka Joemar Lebron RIVERA. Gerardo HERNANDEZ-Moreno aka Joemar Lebron RIVERA's Order of Removal from October 2013 was reinstated.

7. On or about March 31, 2016, Gerardo HERNANDEZ-Moreno aka Joemar Lebron RIVERA was indicted for REENTRY OF A REMOVED ALIEN, in violation of 8 U.S.C. § 1326 (a)(b)(1)(2), a felony, in the United States District Court Western District of Texas Del Rio Division. On or about January 9, 2017, Gerardo HERNANDEZ-Moreno aka Joemar Lebron RIVERA was convicted of 8 U.S.C. § 1326(a)(b)(1)(2), a felony.
8. On or about January 09, 2017, Gerardo HERNANDEZ-Moreno aka Joemar Lebron RIVERA was physically removed from the United States via Del Rio, Texas. Prior to his removal, Gerardo HERNANDEZ-Moreno aka Joemar Lebron RIVERA surrendered his fingerprint for Form I-205 (Warning of Removal/Deportation), a document that he signed. Gerardo HERNANDEZ-Moreno aka Joemar Lebron RIVERA's departure was witnessed by an Immigration Officer, who documented the departure by the way of his signature on Form I-205.
9. On or about June 10, 2019, the Franklin County Ohio Sheriff's Department executed an arrest warrant for Gerardo HERNANDEZ-Moreno aka Joemar Lebron RIVERA. ICE officers screened booking fingerprints and photo and received a match to Gerardo HERNANDEZ-Moreno aka Joemar Lebron RIVERA a previously removed alien from the United States. Gerardo HERNANDEZ-Moreno aka Joemar Lebron RIVERA was found to have entered the United States without permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security for this re-entry into the United States.
10. Your Affiant submits that the foregoing facts establish probable cause that Gerardo HERNANDEZ-Moreno aka Joemar Lebron RIVERA has committed a violation of 8 U.S.C. §§ 1326(a) and 1326(b)(1), in that Gerardo HERNANDEZ-Moreno aka Joemar Lebron RIVERA is an alien who, subsequent to a felony conviction, was denied admission, excluded, deported, or removed, or departed the U.S. while an order of exclusion, deportation or removal was outstanding, and thereafter entered, attempted to enter, or at any time was found in the United States, and did not have consent from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States prior to either his re-embarkation at a place outside the U.S. or his application for admission from a foreign contiguous territory.



Ronnie A. Winters  
Deportation Officer  
Immigration and Customs Enforcement



Sworn before me and subscribed in my presence on this 12<sup>th</sup> day of June, 2019.



Hon. Elizabeth A. Preston Deavers  
United States Magistrate Judge  
Southern District of Ohio